

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of
Northern States Power Company d/b/a
Xcel Energy for Certificates of Need for
Four Large High Voltage Transmission
Line Projects in Southwestern Minnesota

ORDER COMPELLING DISCOVERY

Public Intervenors Network (PIN) requested discovery from Xcel Energy. Xcel Energy objected to Information Requests 2-9, 2-10 and 2-11 and requested a protective order to prevent discovery of the requested information. The matter was heard at a prehearing conference held on June 18, 2002 in the Small Hearing Room of the Public Utilities Commission. Appearances on behalf of each party are on file.

IT IS HEREBY ORDERED:

1. Xcel Energy's Motion for Protective Order is DENIED as to PIN requests 2-9, 2-10 and 2-11.
2. Xcel Energy shall attempt to provide the requested information prior to the close of business on June 24, 2002.
3. The hearing will reconvene at 9:00 a.m. on June 25, 2002 at the Centennial Building, Room 302, St. Paul, MN. The hearing shall continue at the same location each day that week until the hearing is completed.

Dated this 19th day of June, 2002.

BEVERLY JONES HEYDINGER
Administrative Law Judge

Memorandum

The Supplemental Testimony of Richard Gonzalez dated May 24, 2002 includes graphs showing the cost of Option 1H, adjusted for losses and a tabulation of losses.^[1] The EQB, PIN and the Sierra Club have attempted to discover the reason that the line losses are lower for Option 1H than for either Option 1 and Option 3.

PIN's Information Requests 2-9, 2-10 and 2-11 are tied to Mr. Gonzalez's conclusion about the decreased line losses with Option 1H. Apparently, these

information requests will compel Xcel to run new figures with decreased NDEX. Xcel's response may yield useful information concerning the basis for Mr. Gonzalez's conclusion that Option 1H has the lowest adjusted costs, which is a significant factor in the certificate of need determination. The three requests do not attempt to introduce multiple factors that would require further explanation to correlate to the evidence already introduced.^[2] At this point, it is difficult to know what weight will be given to this data, but it appears relevant to the conclusion proffered by Mr. Gonzalez.

Xcel shall make reasonable efforts to provide the requested information to the parties prior to the hearing on June 25, 2002. This Order will be sent by facsimile transmission to counsel for PIN and Xcel.

B.J.H.

^[1] Proposed Exhibits 54-57.

^[2] In comparison, the EQB requests 22 and 23 were denied in part because they changed more than one variable and would require additional information concerning the frequency that the changed variables would occur together. The new information would also be difficult to correlate with the information created for Options 1 and 3.